



CRA-S-3028-SB-2011 (O&M) -1-

**205-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S-3028-SB-2011 (O&M)
DATE OF DECISION: 21.08.2025**

DINESH

.....Appellant

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Surender Pal, Advocate
for the appellant.

Mr. Tapan Masta, Addl. A.G., Haryana.

Mr. N.C. Kinra, Advocate for respondent No.2.

H.S. GREWAL J. (Oral)

1. Feeling aggrieved by the judgment and order dated 04.12.2008 passed by learned Judicial Magistrate Ist Class, Hansi in FIR No.239 dated 12.09.1999 under Section 377 of IPC registered at Police Station Narnaund whereby the appellant has been convicted and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1200/- as cost of trial and seeks enhancement of the sentence so awarded to the accused which was upheld by the Appellate Court vide its order dated 27.11.2010.

2. The appellant has come up before this Court by way of filing of the present appeal praying for enhancement of sentence awarded to the accused-respondent No.2.

3. The case of the prosecution is that on 11.09.1999 complainant namely Dinesh son of Jai Parkash with his mother, met ASI Maha Singh,



Incharge P.P. Bass at Bus Stand Bass and got recorded his statement to the effect that he is a student of 8th standard in Government Senior Secondary School, Bass Khurd. On 11.09.99 he went to the shop of accused namely, Sonu son of Chaman Lal resident of Bass Khurd who is running a retail shop to take his audio cassette back from the said accused, who had borrowed the same from the complainant, 20 days back. The accused held-up him at his shop under the pretext of helping him (Sonu) in shop work and handed over a fifty rupee note to the complainant as a token for assistance provided by the complainant, before closing the shop. Then the accused took him to a Bajra field and then to the village pond and at the village pond, the accused had carnal intercourse with him. He started weeping. In the meantime his brother Rajesh and Narender son of Om Parkash reached there. On seeing them, the accused fled away. Thereafter, they came back to their house and told the occurrence to their mother Angoori Devi as their father is working in Indian Force. Upon this, a *ruqa* was sent for registration of FIR. The investigation proceeded and the relevant medical record was taken into custody. Site plan was prepared and the statements of the witnesses under Section 161 of Cr.P.C. were recorded. The accused was arrested. After completion of investigation, final report under Section 173 of Cr.P.C. was presented in the Court for trial.

4. Thereafter, upon conclusion of the trial, the appellant/accused was held guilty and sentenced vide impugned judgment dated 04.12.2008 passed by learned Judicial Magistrate Ist Class, Hansi as enumerated above.

5. Learned counsel for the appellant submits that the trial Court has not passed the adequate sentence against accused-respondent No.2 and his sentence should be enhanced in view of the nature and gravity of the offence committed by the accused. He further contends that the complainant's father was



serving for the country in the Indian army, whereas his family and his child was defamed with such a heinous offence by the accused. As such, he prays for enhancement of sentence so imposed to the accused-respondent No.2 and submits that the accused should be convicted for 10 years.

6. On the other hand, learned State counsel opposes the prayer of the appellant(s) on the ground that the trial Court concerned has passed a well-reasoned judgment after taking into consideration the entire evidence and the material available on record. Therefore, he argued that there is no merit in the appeal filed by appellant and the same should be dismissed.

7. I have heard learned counsel for both the parties and with their assistance have gone through the evidence on record.

8. From the record, I find that the FIR in the present case has been registered on 12.09.1999 and more than 26 years have passed since the registration of the FIR. The accused is facing the agony of long criminal proceedings. Keeping in view the aforesaid facts and circumstances of the present case, I find that adequate sentence has been imposed upon the accused-respondent in this appeal and no ground is made out for enhancing the sentence.

9. From the above discussion, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the criminal appeal filed by the appellant is **dismissed** and the judgment of conviction and the order of sentence passed by the learned trial Court are upheld.

10. However, the connected revision petition bearing No.CRR-15-2010 filed by the accused-respondent No.2 has been disposed of vide even dated order passed by this Court whereby the judgment of conviction dated 04.12.2008 and order of sentence dated 06.12.2008 passed by the learned Judicial Magistrate Ist Class, Hansi has been affirmed but the quantum of sentence awarded by the trial



Court concerned is modified to the extent that the sentence he has undergone till date would be sufficient and justifiable to serve the interests of justice.

21st August, 2025

(H.S. GREWAL)
JUDGE

Sonia Puri

Whether speaking/ reasoned : Yes / No
Whether reportable : Yes / No